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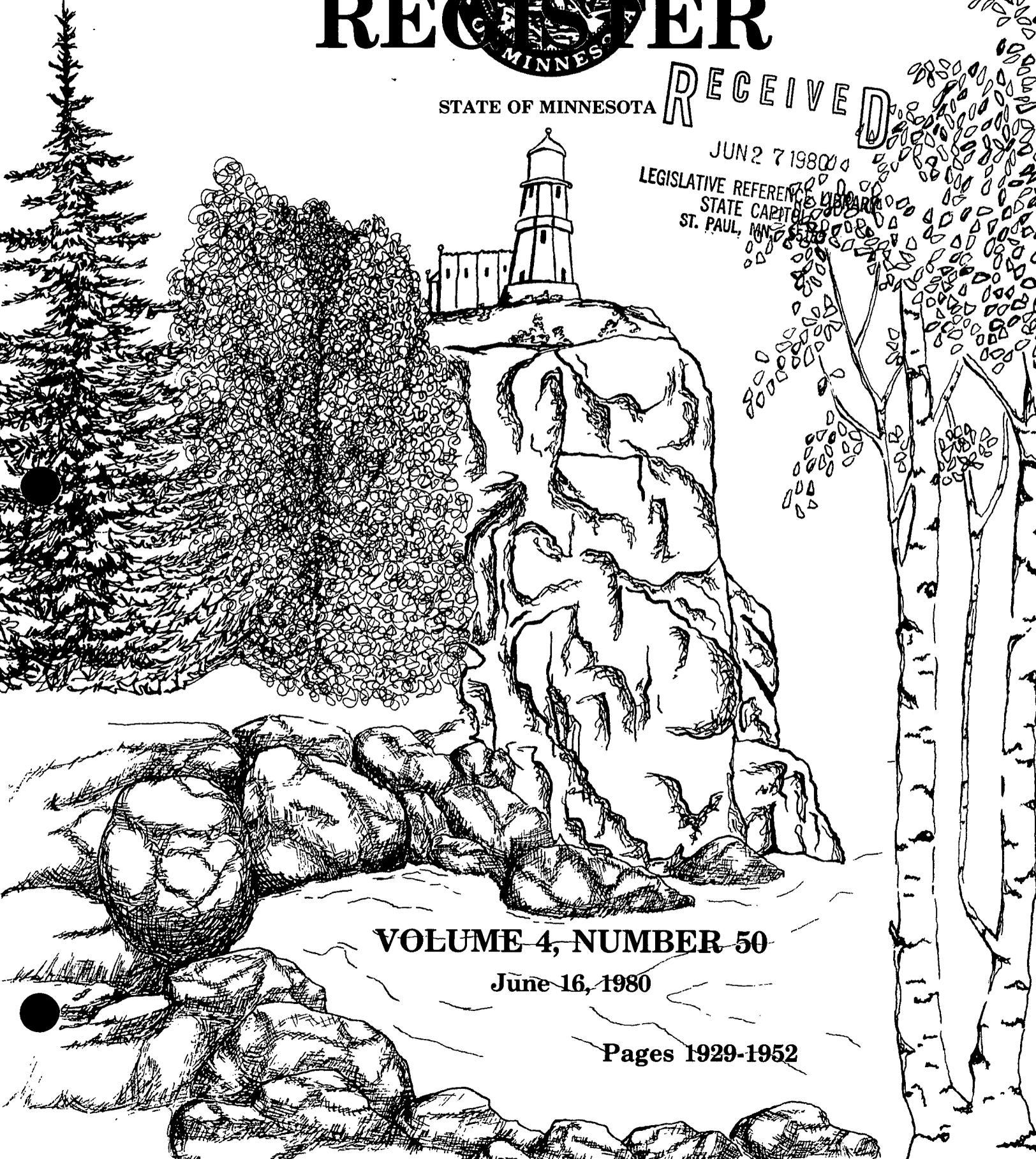
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**Printing Schedule for Agencies**

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 4			
51	Monday June 9	Monday June 16	Monday June 23
52	Monday June 16	Monday June 23	Monday June 30
SCHEDULE FOR VOLUME 5			
1	Monday June 23	Monday June 30	Monday July 7
2	Monday June 30	Monday July 7	Monday July 14

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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# CONTENTS

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**MCAR AMENDMENTS AND ADDITIONS** .....1932

## PROPOSED RULES

**Department of Administration**  
Inspection Fees .....1933

### Calendar

Public Hearings on Agency Rules, June 23-30, 1980 ..1934

## ADOPTED RULES

### Department of Administration

#### Cable Communications Board

Definitions, Classifications of Systems, Franchise Standards, Transfer of Ownership, Initial and Renewal Franchise Procedures, Length of Renewal Term .....1936

### Department of Welfare

#### Social Services Division

Subsidized Adoption .....1939  
Child Day Care Sliding Fee .....1939

## TAX COURT

Specktor, Harold and Anna; and Shaw, Irving and Ruth v. The Commissioner of Revenue, Order Dated May 27, 1980, Docket Nos. 2614 and 2615 .....1939

## SUPREME COURT

Decisions filed Friday, June 6, 1980 .....1943

## OFFICIAL NOTICES

### Energy Agency

#### Conservation Division

Notice of Intent to Solicit Outside Opinion Concerning Compliance and Enforcement Rules for Energy Efficiency Standards of Residential Rental Property .....1944

## STATE CONTRACTS

### Department of Administration Information Services Bureau

Contract for a Survey, Analysis, and Recommendations for Physical Security, Data Security, and Disaster Recovery .....1945

### Department of Economic Development Tourism Bureau

Package Tour Program .....1945

### Department of Education

#### Instruction Division

Opening for a Writer to Develop Energy Curriculum Materials .....1945

### Department of Education

#### School Management Services Division

Consultant to Evaluate Administrative Management Information Systems for Elementary, Secondary, Vocational School Districts and the Department of Education .....1946

### Department of Health

#### Commissioner of Health

Training of Water Supply Personnel .....1946

### Department of Natural Resources

#### Division of Minerals

Inventory of the Heavy Metals in Minnesota Peatlands .....1946

### Department of Public Safety

#### Office of Public Information

Graphic Arts Contract .....1947

### State Planning Agency

#### Developmental Disabilities Planning Office

Demonstration of Model Projects of Respite Care Services .....1947

### Department of Transportation

#### Wright County Public Works

#### Department

Contract for Wayside Design and Construction Engineering Services .....1947

### Department of Transportation

#### Washington County and Dakota County Highway Departments

Contract for Bridge Replacement Preliminary Engineering and Environmental Studies .....1948

### Department of Public Welfare

#### Moose Lake State Hospital

Services to be Performed on a Contractual Basis ...1948

## NOTICE

### How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION**. Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

#### The **PROPOSED RULES** section contains:

- Proposed new rules (including Notice of Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

#### The **ADOPTED RULES** section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All **ADOPTED RULES** and **ADOPTED AMENDMENTS TO EXISTING RULES** published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted **TEMPORARY RULES** appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the **MCAR AMENDMENTS AND ADDITIONS** list on the following schedule:

Issues 1-13, inclusive	Issue 39, cumulative for 1-39
Issues 14-25, inclusive	Issues 40-51, inclusive
Issue 26, cumulative for 1-26	Issue 52, cumulative for 1-52
Issue 27-38, inclusive	

The listings are arranged in the same order as the table of contents of the MCAR.

# MCAR AMENDMENTS AND ADDITIONS

## TITLE 2 ADMINISTRATION

### Part 1 Administration Department

2 MCAR §§ 1.6201-1.6207, 1.6220-1.6230 (proposed) ..... 1881

### Part 2 Employee Relations Department (previously Personnel Department)

2 MCAR § 2.198 (adopted) ..... 1851

### Part 3 Retirement System

2 MCAR §§ 3.5001-3.5008, DCP I-VII (proposed) ..... 1665

## TITLE 3 AGRICULTURE

### Part 1 Agriculture Department

3 MCAR §§ 1.0112-1.0113 (adopted) ..... 1913

### Part 2 Livestock Sanitary Board

LSB 7, LSB 18, LSB 20, LSB 52, LSB 61, 3 MCAR §§ 2.007,

2.009, 2.018, 2.044, 2.052, 2.061 (adopted) ..... 1914

3 MCAR § 2.024 (proposed) ..... 1730

## TITLE 4 COMMERCE

### Part 1 Commerce Department

4 MCAR §§ 1.9285-1.9299 (adopted temporary extended) ..... 1712

### Part 4 Cable Communications Board

4 MCAR §§ 4.001-4.046, 4.061-4.239 (adopted) .....

### Part 11 Electricity Board

4 MCAR § 11.004 (proposed) ..... 1933

## TITLE 5 EDUCATION

### Part 1 Education Department

5 MCAR §§ 1.0104-1.0105, 1.0107, 1.01041-1.01047 (withdrawn) .. 1756

5 MCAR §§ 1.0100-1.0105, 1.01051, 1.0106-1.0110,

1.01101-1.01102, 1.0111-1.0118 (adopted) ..... 1607

## TITLE 6 ENVIRONMENT

### Part 2 Energy Agency

6 MCAR § 2.2204 (proposed) ..... 1597

### Part 4 Pollution Control Agency

SW 11 (6 MCAR § 4.6011) (adopted) ..... 1693

## TITLE 7 HEALTH

### Part 1 Health Department

7 MCAR §§ 1.022, 1.032 (adopted) ..... 1690

7 MCAR §§ 1.442-1.444 (adopted) ..... 1608

7 MCAR §§ 1.472, 1.474, 1.505 (proposed) ..... 1804

7 MCAR §§ 1.601-1.611 (adopted) ..... 1851

### Part 3 Dental Board

7 MCAR §§ 3.002, 3.004-3.005, 3.011-3.022, 3.025,  
3.031-3.034, 3.044-3.046, 3.063 (proposed) ..... 1798

## TITLE 8 LABOR

### Part 1 Labor and Industry Department

8 MCAR §§ 1.7001, 1.7100-1.7129 (MOSHC 1) (proposed) ..... 1767

8 MCAR § 1.7001 (MOSHC 1) (adopted) ..... 1816

8 MCAR §§ 1.8001-1.8015, 1.8017 (adopted) ..... 1816

### Part 4 Economic Security Department

8 MCAR § 4.4012 (adopted temporary) ..... 1848

## TITLE 9 LAW

### Part 2 Hearing Examiners

9 MCAR §§ 2.102, 2.104-2.199, 2.201, 2.203-2.205,  
2.208, 2.213, 2.217-2.219 (proposed) ..... 1807

## TITLE 10 PLANNING

### Part 1 State Planning Agency

10 MCAR §§ 1.300-1.302, 1.304-1.305 (adopted) ..... 1775

10 MCAR §§ 1.320-1.325 (proposed) ..... 1894

10 MCAR §§ 1.401-1.404 (adopted) ..... 1731

## MCAR AMENDMENTS AND ADDITIONS

### TITLE 11 PUBLIC SAFETY

#### Part 1 Public Safety Department

11 MCAR §§ 1.4092-1.4098 (proposed) ..... 1633

### TITLE 12 SOCIAL SERVICES

#### Part 2 Public Welfare Department

12 MCAR § 2.014 (extended temporary) ..... 1609

12 MCAR § 2.047 (withdrawn) ..... 1606

12 MCAR § 2.049 (proposed temporary) ..... 1893

12 MCAR § 2.160 (proposed) ..... 1756

12 MCAR § 2.163 (adopted) ..... 1642

12 MCAR § 2.200 (adopted temporary) ..... 1642

12 MCAR § 2.200 (adopted temporary, extended) ..... 1855

12 MCAR §§ 2.204, 2.207 (adopted) ..... 1855

12 MCAR §§ 2.490-2.491 (adopted) ..... 1855

#### Part 3 Housing Finance Agency

12 MCAR §§ 3.002, 3.052, 3.063, 3.070-3.074 (adopted) ..... 1692

12 MCAR §§ 3.081-3.085 (proposed temporary) ..... 1688

12 MCAR §§ 3.136-3.139 (proposed temporary) ..... 1847

12 MCAR §§ 3.152-3.153, 3.156 (adopted temporary) ..... 1692

### TITLE 13 TAXATION

#### Part 1 Revenue Department

13 MCAR §§ 1.0021-1.0026 (proposed) ..... 1637

### TITLE 14 TRANSPORTATION

#### Part 1 Transportation Department

14 MCAR §§ 1.4025-1.4030 (proposed) ..... 1677

14 MCAR § 1.5050 (adopted) ..... 1643

## PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.



SONGBIRD—Pen and ink drawing by Kathryn L. Sanderson, 12th Grade, Mayo High School, Rochester, MN.

## Department of Administration Board of Electricity

### Proposed Rules Amending Inspection Fees

#### Notice of Proposed Amendment To Rules To Be Adopted Without Hearing and Request For Public Comment

Notice is hereby given that the Board of Electricity has proposed the following rules amending the fees charged for electrical inspections. These rules are promulgated pursuant to Minn. Stat. § 214.06, subd. 1 (1978), as amended by Laws of 1980, ch. 614, § 100. That provision authorizes the Board of Electricity to adopt rules amending its fees without a public hearing when the total fees will not exceed the amount of the direct appropriation.

No hearing will be held prior to the promulgation of these rules by the Board of Electricity. All interested persons are

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

**PROPOSED RULES**

**Public Hearings on Agency Rules  
June 23-30, 1980**

Date	Agency and Rule Matter	Time & Place
June 24	Office of Hearing Examiners Procedural Conduct of Rulemaking & Contested Case Hearings Hearing Examiner: Melvin B. Goldberg	9:30 a.m., Room 111, William Mitchell College of Law, 875 Summit Ave., St. Paul, MN
June 26	Dentistry Board Applications for Licensure; Fees; Licensure by Credentials; Auxiliary Personnel; Advertising & Classification Hearing Examiner: Jon Lunde	9:30 a.m., Room 105, Dept. of Health Bldg., 717 Delaware St. SE, Minneapolis, MN
June 27	Health Department MN Hospital Rate Review System Hearing Examiner: Peter Erickson	9:30 a.m., Room 105, Dept. of Health Bldg., 717 Delaware St. SE, Minneapolis, MN

hereby afforded the opportunity to submit their comments on the proposed rules for 30 days immediately following publication of this material in the *State Register* by writing to Executive Secretary, Board of Electricity, 1821 University Avenue, Room N-191, St. Paul, Minnesota 55104. The proposed rules may be modified if modifications are supported by the data and views submitted. Any written material received shall become part of the record in the final adoption of the proposed rules. Any person who desires to be notified when the proposed rules and record herein are submitted to the Attorney General should so inform the Executive Secretary of the Board of Electricity. Publication is hereby ordered.

**Amendments as Proposed**

**4 MCAR § 11.004 ~~Elec 4~~ Inspection fees.**

A. ~~(a)~~ Payment of fees. Except as provided in Elec 1(b), all state electrical inspection fees are due and payable to the board at or before commencement of the installation and shall be forwarded with the request for inspection.

B. ~~(b)~~ Fee schedule. Fees shall be paid according to the following schedule.

1. ~~(1)~~ Minimum fee for each separate inspection of an installation, replacement, alteration or repair limited to one inspection only. . . . . ~~\$5.00~~ \$6.00

2. ~~(2)~~ Services, changes of services, temporary services, additions, alterations, or repairs on either primary or secondary services shall be computed separately.

0 to 100 ampere capacity . . . . . ~~\$6.00~~ \$7.00

101 to and including 200 ampere capacity . . . . . ~~\$7.50~~ \$8.50  
For each additional 100 ampere capacity or fraction thereof . . . . . ~~\$3.00~~ \$3.50

3. ~~(3)~~ Circuit, installations of, additions, alterations or repairs of each circuit or subfeeder shall be computed separately including circuits fed from sub-feeders and including the equipment served, except as provided for in items ~~(aa)~~ a. through ~~(kk)~~ k.

0 to and including 30 ampere capacity . . . . . ~~\$2.00~~ \$2.25  
(maximum number of 0 to 30 ampere circuits to be paid on is 30 in any one cabinet.)

31 to and including 100 ampere capacity . . . . . ~~\$3.00~~ \$3.50  
For each additional 100 ampere capacity or fraction thereof. . . . . \$1.00

a. ~~(aa)~~ The maximum fee on a farmstead (farm buildings, including residence) which is limited to 100 ampere capacity . . . . . ~~\$20.00~~ \$23.00

This includes all services, feeders, circuits, fixtures and equipment as per ~~Elec 4 (b)~~ 4 MCAR § 11.004 B. Fee schedule. This maximum applies when the farmstead is wired as a single installation. Pole top current metering and disconnecting means of the farm yard pole are exempt from inspection and determination of inspection fees.

b. ~~(bb)~~ The maximum fee on a farmstead (farm buildings, including residence) which is limited to 200 ampere capacity . . . . . ~~\$32.00~~ \$37.00

This includes all services, feeders, circuits, fixtures and equipment as per ~~Elec 4 (b)~~ 4 MCAR § 11.004 B. Fee schedule. Pole top current metering and disconnecting means on the farm yard pole are exempt from inspection and determination of inspection fees.

c. ~~(cc)~~ Maximum fee on a single family dwelling shall not exceed ~~\$20.00~~ \$23.00 if not over 100 ampere capacity. This includes service, feeders, circuits, fixtures and equipment as per ~~Elec 4 (b)~~ 4 MCAR § 11.004 B. Fee schedule.

This maximum fee provides for not more than one rough-in inspection and one final inspection per dwelling; Additional inspections would be at the re-inspection rate of ~~Elec 4 (b) 5.~~ 4 MCAR § 11.004 B.5.

d. ~~(dd)~~ Maximum fee on a single family dwelling shall not exceed ~~\$32.00~~ \$37.00 if not over 200 ampere capacity. This includes service, feeders, circuits, fixtures and equipment as per ~~Elec 4 (b)~~ 4 MCAR § 11.004 B. Fee schedule.

The maximum provides for not more than three rough-in inspections and one final inspection per dwelling; Additional inspections at the re-inspection rate of ~~Elec 4 (b) 5.~~ 4 MCAR § 11.004 B.5.

e. ~~(ee)~~ Maximum fee on an apartment building shall not exceed ~~\$14.00~~ \$16.00 per dwelling unit for the first 20 units and ~~\$10.00~~ \$11.50 per dwelling unit for the balance of units. A 2-unit dwelling (duplex) maximum fee per unit as per single family dwelling.

f. (~~ff~~) The maximum number of 0 to 30 ampere circuits to be paid on any one Athletic Field lighting standard is ten.

g. (~~gg~~) The maximum fee on Mobile Home Park stalls shall not exceed ~~\$3.00~~ \$3.50 per unit stall for the first 40 stalls and ~~\$1.50~~ \$2.00 per each additional stall.

h. (~~hh~~) In addition to the above fees:

(1) A charge of \$.50 will be made for each street lighting standard.

(2) A charge of \$1.00 will be made for each traffic signal standard. Circuits originating within the standard will not be used when computing the fee.

i. (~~ii~~) In addition to the above fees all transformers and generators for light, heat and power shall be computed separately at \$2.00 per unit plus 10¢ per KVA up to and including 100 KVA, 101 KVA and over at 5¢ per KVA. The maximum fee for any transformer or generator in this category is ~~\$20.00~~ \$23.00.

j. (~~jj~~) In addition to the above fees all transformers for signs and outline lighting shall be computed at \$2.00 for the first 500 VA or fraction thereof per unit, plus \$.20 for each additional 100 VA or fraction thereof.

k. (~~kk~~) In addition to the above fees (unless included in the maximum fee filed by the initial installer) remote control, signal circuits and circuits of less than 50 volts shall be computed at \$2.00 per each ten openings or devices of each system plus \$.50 for each additional ten or fraction thereof.

4. (4) For the review of plans and specifications of proposed installations, there shall be a minimum fee of \$100.00, up to and including \$30,000 of electrical estimate, plus 1/10 of 1% on any amount in excess of \$30,000 to be paid by persons or firm requesting the review.

5. (~~5~~) When re-inspection is necessary to determine whether unsafe conditions have been corrected and such conditions are not subject of an appeal pending before the board or any court, a re-inspection fee of not to exceed the original unit fee, or ~~\$5.00~~ \$6.00 whichever is less, may be assessed in writing by the inspector.

6. (~~6~~) For inspections not covered herein, or for requested special inspections or services, the fee shall be ~~\$12.00~~ \$14.00 per man hour, including travel time, plus 16¢ per mile traveled, plus the reasonable cost of equipment or material consumed.

This section is also applicable to inspection of empty conduits and such other jobs as determined by the board.

7. (~~7~~) For inspection of transient projects including but not limited to carnivals and circuses the inspection fees shall be computed as follows:

Power supply units—according to ~~Item 4 (b) (2)~~ 4 MCAR § 11.004 B.2 of the fee schedule. A like fee will be required on power supply units at each engagement during the season, except that a fee of ~~\$12.00~~ \$14.00 per hour will be charged for additional time spent by the inspector, if the power supply is not ready for inspection at the time and date specified on the request for inspection as required by Law.

Rides, devices, or concessions: Shall be inspected at their first appearance of the season and the inspection fee shall be ~~\$5.00~~ \$6.00 per unit.

8. (8) For purposes of interpretation of the provisions of this chapter the most recently published edition of the National Electrical Code shall be prima facie evidence of the definitions, interpretations and scope of words and terms used in this chapter.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

# ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has

been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

## Department of Administration Cable Communications Board

### Adopted Rules Governing Definitions, Classification of Systems, Franchise Standards, Transfer of Ownership, Initial and Renewal Franchise Procedures, Length of Renewal Term, and Other Non-substantive Changes including the Deletion of Redundant Rules, the Addition of Clarifying Language and the Reordering and Renumbering of Rules

The rules as proposed and published at *State Register* Volume 4, Number 23, pp. 912-953, December 10, 1979 (4 S.R. 917-953) are now adopted with the following amendments:

#### Amendments as Adopted

**4 MCAR § 4.008** Censure or suspension of persons appearing before the board.

A. The board may censure or suspend from practice appearing before the board any person who has practiced appeared, is practicing appearing or is holding himself out as entitled to practice appear before it, if it finds that such person has displayed toward the board or any person authorized to act by it, conduct which, if displayed toward any court of the state, would be cause for censure, suspension or disbarment.

#### Chapter Three: Rule making

**4 MCAR § 4.046** Rule making proceedings. The board shall adopt, amend, suspend, or repeal its rules in accordance

with the procedures set forth in Minn. Stat. ch. 15 and Hearing Examiner rules and regulations, and in the rules of the Office of the Hearing Examiners.

**4 MCAR §§ 4.047-4.060** Reserved for future use.

**4 MCAR § 4.064** Rehearing.

D. Decision after rehearing. The decision after rehearing shall be made in the same manner prescribed for the decision after a hearing as provided in 4 MCAR § 4.063 (~~9 MCAR § 2.076~~) (9 MCAR § 9.218).

**4 MCAR § 4.091** Authority delegated to executive director. The board's executive director is delegated authority upon application being made by any franchising authority to review applications, and determine eligibility for use of the alternative franchising procedures set forth in 4 MCAR § ~~4.142~~ 4.141.

[Chapter Fifteen was proposed to be renumbered as Chapter Seven; however, in light of the Supreme Court decision (Minnesota Cable Communications Association vs. Minnesota Cable Communications Board), it was found that any rules relating to fees paid to the board are unenforceable (See Findings of Fact and Conclusions p. 4); therefore, the Minnesota Cable Communications Board has severed this chapter from the rules. The board will include this chapter in its next rulemaking package, and will request at that time that this chapter be formally deleted from the existing rules.

The chapter numbers after Chapter Six have been renumbered as follows:

<u>Proposed</u>	<u>Adopted</u>
<del>Eight</del>	<u>Seven</u>
<del>Nine</del>	<u>Eight</u>
<del>Ten</del>	<u>Nine</u>
<del>Eleven</del>	<u>Ten</u>
<del>Twelve</del>	<u>Eleven</u>
<del>Thirteen</del>	<u>Twelve</u>
<del>Fourteen</del>	<u>Thirteen</u>
<del>Fifteen</del>	<u>Fourteen</u>
<del>Sixteen</del>	<u>Fifteen</u>

~~Chapter Eight:~~ Seven: §§ 4.100-4.104 Ownership and Control.

~~Chapter Nine:~~ Eight: §§ 4.105-4.119 Discrimination Prohibited.

~~Chapter Ten:~~ Nine: §§ 4.120-4.129 Poles, Ducts and Conduit Agreements.

**Chapter ~~Eleven~~ Ten: §§ 4.130-4.139 Cable Service Territories.****4 MCAR § 4.131 Definitions.**

B. "Cable service territory" means that geographic area, as may be defined by political, metes and bounds, or other appropriate description, which encompasses a cable communications system's or cable communications systems' entire projected service area. The boundaries may include areas in which, in the judgment of the board and the party proposing the cable service territory, extension of service is not immediately feasible but may be in the future.

**4 MCAR § 4.134 Board procedures.**

A. Pursuant to the requirements of ~~4 MCAR § 4.141 B., 4.140 B.,~~ a cable service territory or expansion of a cable service territory may be proposed to the board by a municipality, a group of municipalities in a joint powers agreement, a cable communications company, or any party who has announced an intention to form a cable communications company. The party proposing the cable service territory or expansion of a cable service territory shall deliver written notice of its proposal to the governing body of each municipality which is within or contiguous to the proposed cable service territory and to the appropriate regional development commission or the Metropolitan Council. At substantially the same time as written notice is delivered, the party proposing the cable service territory or expansion of a cable service territory shall cause to be published in a newspaper of general circulation in the proposed territory, a notice of its proposal of a cable service territory to the board. The written and published notices shall include at least the following information:

**Chapter ~~Twelve~~ Eleven: Franchising, Franchise Renewal and Franchise Amendment Procedures**

~~4 MCAR § 4.140 Franchising eligibility. Any franchise area provided cable television service by a company meeting the criteria of a "cable communications system" as defined in 4 MCAR § 4.002 B. shall issue a franchise pursuant to 4 MCAR § 4.140 or 4 MCAR § 4.141 provided the eligibility requirements of 4 MCAR § 4.141 are satisfied.~~

**4 MCAR § ~~4.141~~ 4.140 Initial franchise.**

A. Procedure. Except as provided in ~~4 MCAR § 4.142, 4.141,~~ the procedure described in ~~4 MCAR § 4.141 4.140~~ of this chapter shall be observed by all franchising authorities before and during the awarding of any cable communications franchise.

B. Cable service territory approval. The proposed boundaries for all cable service territories must be approved by the board in accordance with 4 MCAR § 4.134 before the Needs Assessment is completed and the ~~Invitation for Applications~~ Request for Proposals is issued.

C. Needs Assessment Report. The franchising authority or a group of two or more individuals appointed by the franchising authority shall compile a "Needs Assessment Report" on cable communications for the proposed area to be served within the Cable Service Territory.

1. The individuals compiling the report shall not be employed by or shall knowingly have any financial interest in any cable communications company bidding on such franchise, or their subsidiaries, and major equipment or program suppliers.

2. The group making the Needs Assessment Report shall inform itself about cable communications through at least a review of the published information, state and federal statutes, rules and regulations, and the experiences of other municipalities that have studied cable communications.

3. Such report shall include an assessment of the communications needs of the persons residing within the proposed area to be served within the Cable Service Territory, and recommendations on the means to satisfy those needs.

4. The franchising authority shall make such report publicly available. In cases of joint powers agreements, the report may be a joint undertaking of more than one municipality as long as at least two representatives from each municipality which is a party to the agreement participate in making the Needs Assessment Report.

**D. ~~Invitation for Applications~~ Request for Proposals.**

1. After approval of the Cable Service Territory by the Minnesota Cable Communications Board, and consideration of the recommendations of the Needs Assessment Report, the franchising authority shall determine the advisability of continuing the franchising process. If the franchising authority determines that the franchising process should continue, then the franchising authority shall officially adopt in a public hearing, affording reasonable notice and a reasonable opportunity to be heard, the ~~invitation for applications~~ Request for Proposals for a cable communications franchise, which ~~invitation request~~ shall include but not necessarily be limited to, the following items:

2. The franchising authority shall mail a copy of the ~~invitation request~~ to the board and make a copy available for public inspection at the city office (or in the case of joint powers, offices) during normal business hours within 10 days after adoption of a ~~invitation for applications~~ Request for Proposals of a cable communications franchise. The franchising authority shall also mail copies of the ~~invitation applications~~ Request for Proposals for a cable communications franchise to any persons it has identified as being potential candidates for the franchise.

4. The franchising authority shall give public notice of the availability of the ~~invitation for applications~~ Request for Proposals for a cable communications franchise at least 45 days

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike-outs** indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. **Strike-outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

## ADOPTED RULES

before the public hearing awarding the franchise. The notice shall be published at least once in a newspaper of general circulation within the boundaries of the franchising authority. A copy of the notice shall be provided to the board on the date of initial publication, together with an affidavit of publication. The notice shall also be published at least once in at least two publications contained in a list approved by the board and on file with the executive director of the board. The published notice shall contain, at a minimum, the following information:

a. The name(s) of the municipalities within the area requested to be served in the ~~invitation for applications~~ Request for Proposals.

b. The date by which all ~~applications~~ Proposals must be submitted;

c. The name, address and telephone number of the individual(s) from whom the ~~invitation for applications~~ Request for Proposals for a cable communications franchise must be obtained;

d. The amount of any application fee;

e. A statement that the ~~applications~~ Proposals for a cable communications franchise must be submitted taking into account the system design and services as outlined by the franchising authority in its ~~invitation~~ Proposal for a cable communications franchise.

5. The franchising authority shall require that all ~~applications~~ Proposals for a cable communications franchise be notarized and contain, but not necessarily be limited to, the following information:

f. A time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the ~~Invitation for Applications~~ Request for Proposals.

### E. ~~Public Hearings~~ Award of franchise.

1. A public hearing before the franchising authority affording reasonable notice and a reasonable opportunity to be heard with respect to all ~~applications~~ Proposals for the franchise shall be completed at least 27 days prior to the introduction of the franchise ordinance in the proceedings of the franchising authority.

To reflect the changes above, the proposed sections following will be renumbered in the following manner:

### ~~4 MCAR § 4.142~~ 4.141 **Alternative initial franchising procedures.**

B.3.f. A statement that all applications for the franchise must contain at least the information required by Rule 4 MCAR § ~~4.141~~ 4.140 D.;

G. The board may also allow the use of the procedures of this rule in cases which it determines that the requiring of a franchising authority to comply with the procedures of 4 MCAR § ~~4.141~~ 4.140 would not be in the public interest or would bring undue hardship to any of the parties involved.

### ~~4 MCAR § 4.143~~ 4.142 **Franchise renewal.**

B. Renewal report. Three months prior to the expiration of a franchise, the franchising authority shall submit a renewal report to the cable communications system operator and the board. Franchising authorities that franchised or would be eligible to franchise under the provision of 4 MCAR § ~~4.142~~ 4.141 (alternative initial franchising procedure) shall be exempt from the report requirement of this rule.

E. Additional applicants. If the franchising authority determines that additional applicants are to be sought, the franchising authority shall follow the procedure of 4 MCAR § ~~4.141~~ 4.140 or 4 MCAR § 4.142 4.141 (alternative initial), providing the eligibility requirements of 4 MCAR § 4.142 4.141 F. are satisfied.

### ~~4 MCAR § 4.144~~ 4.143 **Franchise amendments.**

### ~~4 MCAR §§ 4.145~~ 4.144-4.149 **Reserved for future use.**

### ~~Chapter Thirteen~~ Twelve **Sale or Transfer of a Franchise, Sale or Transfer of Stock**

### ~~Chapter Fourteen~~ Thirteen: **Franchise Standards**

#### ~~4 MCAR § 4.201~~ **Reclassification of systems.**

I. A provision specifying all subscriber charges and, if existent, the length of terms of residential subscriber contracts, and a provision stating the procedure by which all subscriber charges may be changed, unless contrary to state or federal law. ~~Nothing in this provision shall be construed to limit the length of subscriber contracts with entities that operate for profit.~~

T. A provision incorporating by reference as a minimum the technical standards promulgated by the Federal Communications Commission relating to cable communications systems contained in subpart K of part 76 of the Federal Communications Commission's rule and regulations relating to cable communications systems, ~~as the same now provide and may hereafter be amended or modified.~~ The results of any tests required by the Federal Communications Commission shall be filed within 10 days of the conduct of such tests with the franchising authority and the board.

W. ~~2. Written permission from the subscriber shall not be required for systems conducting systemwide or individually addressed electronic telemetering for the purpose of verifying system integrity. Confidentiality of such information shall be subject to the provision set forth in 4 MCAR § 4.202 W. 1.~~ Written permission from the subscriber shall not be required for the systems conducting systemwide or individually addressed electronic sweeps for the purpose of verifying system integrity or monitoring for the purpose of billing. Confidentiality of such information shall be subject to the provision set forth in 4 MCAR § 4.202 W.1.

### ~~Chapter Fifteen~~ Fourteen: **Certificates of Conformation**

~~4 MCAR § 4.211~~ **Necessity for a certificate of confirmation.** Any cable communications company shall be required to secure a regular certificate of confirmation from the board

before becoming operational. Such certificate may be issued only upon compliance with 4 MCAR §§ ~~4.141~~ 4.140 or ~~4.142~~ 4.141 and 4 MCAR §§ 4.200-4.204 after full board proceedings and shall be for a period of ten years from the effective date of the municipal franchise ordinance.

~~Chapter Sixteen:~~ Fifteen: **Interconnection**

~~Chapter Seventeen:~~ Sixteen: **Obscenity and Defamation**

## **Department of Public Welfare Social Services Division**

### **Extension of Temporary Rule Governing Subsidized Adoption**

Notice is hereby given that temporary rule 12 MCAR § 2.200 (DPW 200a) governing subsidized adoption is extended for 90 days through September 9, 1980. This rule was proposed and

published at *State Register*, Volume 4, Number 29, p. 1164, January 21, 1980 (4 S.R. 1164); adopted on March 5, 1980; approved by the Office of the Attorney General on March 13, 1980; filed with the Office of the Secretary of State on March 20, 1980; and published at *State Register* as an adopted temporary rule on April 14, 1980, Volume 4, Number 41, p. 1642 (4 S.R. 1642).

## **Department of Public Welfare Social Services Division**

### **Adopted Rule Governing Child Day Care Sliding Fee**

The rule proposed and published at *State Register*, Volume 4, Number 28, pp. 1128-1132, January 14, 1980 (4 S.R. 1129) is now adopted as proposed (12 MCAR § 2.163).

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# **TAX COURT**

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

## **State of Minnesota**

**Harold Spektor and Anna Spektor,  
Docket No. 2614**

and

**Irving Shaw and Ruth Shaw,  
Docket No. 2615**

v.

**The Commissioner of Revenue,**

## **Tax Court**

**Appellants,**

**Appellants,**

**Appellee.**

**Order dated May 27, 1980.**

This is an appeal from two orders of the Commissioner of Revenue, both dated March 22, 1978, and both relating to income tax liability of the Appellants for the taxable period ending December 31, 1974. The matters were consolidated for trial because the taxpayers, Harold Spektor and Irving Shaw, were partners in a business venture that suffered losses during the year 1974, which were taken as deductions on the income tax returns of the respective Appellants so the issues in each case are identical.

**KEY: RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike-outs~~ indicate deletions from proposed rule language. **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike-outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

The matter came on for hearing before the undersigned, Chief Judge of the Minnesota Tax Court, in the main courtroom, located on the fifth floor of the Space Center Building at 444 Lafayette Road, St. Paul, Minnesota, on December 18, 1978.

The issue relates to certain losses taken on the individual returns which resulted from the ownership of certain apartment buildings owned by the Appellants. The losses were disallowed by the Commissioner for the year 1974, because they were reported on a small business return. The position of the Commissioner is that the losses were not deductible on the individual returns because the election to be taxed as a small business corporation was revoked by the Commissioner and consented to by the Appellants for that year.

Irving Shaw, Attorney at Law, appeared for appellants,

James W. Neher, Special Assistant Attorney General, for appellee.

### Decision

The Orders of the Commissioner of Revenue in each of the above entitled matters are hereby reversed.

**John Knapp**

### Findings of Fact

1. Shaw-Spektor Properties ("the partnership") was formed in 1972. It is comprised of two partners, Irving Shaw and Harold Spektor.
2. For the taxable years 1972, 1973, 1975, 1976 and 1977, the partnership filed Minnesota partnership returns (Form M-3) with the Department of Revenue.
3. On August 27, 1973, Shaw-Spektor Properties, Inc. ("the corporation") was organized under the provisions of the Minnesota Business Corporation Act, Minn. St. C. 301. The incorporators and directors of the corporation are Irving Shaw and Harold Spektor. At the time of trial the corporation was still in existence.
4. On September 24, 1973, the corporation, under the provisions of Minn. St. 290.972, filed an election by a small business corporation to be taxed as a partnership. The election was signed by Irving Shaw as president of the corporation.
5. For the taxable year 1974, the corporation filed a Minnesota partnership return for electing small business corporations (Form M-3S-4). This return listed Irving Shaw and Harold Spektor as the shareholders of the corporation; each owning 500 shares of stock. The return was dated April 15, 1975.
6. For the taxable year 1974 the corporation also filed a federal small business corporation return (Form 1120S).
7. On June 4, 1975, Mr. J. C. Haldeman of the Minnesota Department of Revenue prepared an Amended Minnesota Income Tax Return on Form M-4. On the same date he also sent a form letter addressed to Shaw-Spektor Properties attention Irving Shaw which reads in pertinent part as follows:

The election of the corporation is deemed terminated for taxable year ending December 31, 1974, under the Provisions of Regulation 2097.2 (5) (B) (5), and the return as filed is being processed as a Minnesota Corporation Income Tax Return. Form M-4.

This letter is also a proposed change of your tax liability from "NONE" as shown on the return to \$102.00, as indicated by memorandum copy of Form M-4 attached.

If you agree with this proposed change to your tax liability, please send your remittance for \$102.00, with a copy of this letter for identification by July 15, 1975. If you disagree with this proposed change, please submit your protest in writing within the same period outlining your reasons for your disagreement.
8. Because the appellants and their accountant were totally ignorant of the full import of the letter cancelling the election, the corporation did not contest the termination of its election to be taxed as a partnership, and on September 9, 1975, remitted \$103.00 in corporate income tax and interest to the State of Minnesota.
9. For the taxable years 1972, 1973, 1975, 1976 and 1977, in conjunction with the partnership returns for those years, Irving Shaw and Harold Spektor took business loss deductions on their individual Federal returns, attributable to the operation of various apartment buildings.
10. For the taxable year 1974 (the year in question), in conjunction with the electing small business corporation return for that year, Irving Shaw and Harold Spektor took similar business loss deductions on their Individual Federal Returns, each in the amount of \$31,396.24. The losses claimed on the 1974 Federal Income Tax Returns were derived from the same apartment buildings and no legal change of title occurred either before, during or after the year 1974. Legal title to the apartment buildings, at all times relevant herein, was held by Irving and Ruth Shaw and Harold and Anna Spektor.
11. Because of the termination of the corporation's election to be taxed as a partnership, the business loss deductions taken on Irving Shaw's and Harold Spektor's individual returns for the year 1974 were disallowed by Commissioner's Orders dated March 22, 1978.
12. Appellants have appealed from the disallowance of those deductions.
13. The federal adjusted gross income of Harold and Anna Spektor for the calendar year 1974 was a minus \$12,945.80. By adding the loss of \$31,396.24 and by making certain other adjustments, the Commissioner determined that additional tax in the amount of \$1,035.03, plus interest, was due from the appellants.
14. The federal adjusted gross income of Irving and Ruth Shaw for the calendar year 1974 was \$17,902.59. By adding the loss of \$31,396.24, and by making certain other adjustments, the Commissioner determined that additional tax in the amount of \$3,655.60, plus interest, was due from appellants.

15. On the 1974 Federal Income Tax Return for the Small Business Corporation the same depreciation schedules that appeared on the 1972, 1973, 1975, 1976 and 1977 federal partnership returns were used and were accepted by the Internal Revenue Service without objection. The depreciation schedules covered generally the same properties for each of the years in question. The depreciation for the year 1974 was just a carryover of the partnership depreciation for the year 1973, and in the year 1975 reverted to the partnership return for that year and the subsequent years.

16. There is no evidence of any kind to the effect that the deduction of the losses was disallowed by the Internal Revenue Service on the federal income tax returns of either Harold and Anna Specktor nor Irving and Ruth Shaw.

17. During all of the years 1972., 1973, 1974, 1975, 1976 and 1977, the management of the properties which accounted for the losses claimed was in the same parties, namely, Harold Specktor and Irving Shaw. No one was ever selected or employed to manage the apartment buildings throughout the entire period, and there was no change in the year 1974.

18. Neither of the appellants prepared their own federal or state income tax returns, nor the federal and state income tax returns of the partnership nor the small business corporation. All of the returns were prepared by a certified public accountant.

19. The certified public accountant employed by the appellants testified that the federal and state income tax returns reflecting the losses from the investment in the apartment buildings for the year 1974 should have been filed on a partnership form and that it was definitely his error in using the corporate form. He testified that he first became aware of the error shortly after June 4, 1975, when his attention was called to the letter from the Department of Revenue indicating that the election to be taxed as a partnership had been terminated. He further testified that he didn't take any action after his attention was called to that letter except that for the following year, the income tax return was again filed on a partnership form. No amended return was filed for the year 1974, because the certified public accountant advised the appellants that the termination of the election would have no effect on the income tax liability of the appellants.

#### Memorandum

The real issue is whether or not the state may show that the federal adjusted gross income was incorrect when the Internal Revenue Service has not made any adjustment. In the instant case there was no evidence to the effect that the Internal Revenue Service made any adjustments to the federal adjusted gross income of the appellants.

In 1961 the Minnesota Legislature redefined gross income to be the federal adjusted gross income, with certain adjustments. Minn. Stat. § 290.01, Subd. 20 clearly provides as follows:

. . . the term 'gross income' in its application to individuals, estates and trusts means the adjusted gross income as computed for federal income tax purposes as defined in the laws of the United States for the taxable year with the modifications specified in this section . . .

The statute specifically provides as follows:

(iii) The Internal Revenue Code of 1954, as amended through December 31, 1973, shall be in effect for the taxable years beginning after December 31, 1973.

The statute then proceeds to provide certain modifications. The first modification reads as follows:

(a) Modifications increasing federal adjusted gross income.

None of the modifications enumerated in the statute apply to the instant case. The modification reads as follows:

(b) Modifications reducing federal adjusted gross income.

None of the modifications enumerated in the statute applied to the instant case.

The next modification reads as follows:

(c) Modifications affecting shareholders of electing small business corporations under Section 1372 of the Internal Revenue Code of 1954, or Section 290.972 of this chapter.

(1) Shareholders in a small business corporation, which has elected to be so taxed under the Internal Revenue Code of 1954, but has not made an election under section 290.972 of this chapter, shall deduct from federal adjusted gross income the amount of any imputed income from such corporation and shall add to federal adjusted gross income the amount of any loss claimed as a result of such stock ownership. Also there shall be added to federal adjusted gross income the amount of any distributions in cash property made by said corporation to its shareholders during the taxable year.

(2) In cases where the small business corporation has made an election under section 1372 of the Internal Revenue Code of 1954, but has not elected under section 290.972 of this chapter and said corporation is liquidated or the individual shareholder disposes of his stock and there is no capital loss reflected in federal adjusted gross income because of the fact that corporate losses have exhausted the shareholders basis for federal purposes, such shareholders shall be entitled, nevertheless, to a capital loss commensurate to their Minnesota basis for the stock.

Neither of the foregoing modifications apply to the instant case because the corporation had elected to be so taxed under both the Internal Revenue Code and Section 290.972 of Minnesota Statutes.

(3) In cases where the election under section 1372 of the Internal Revenue Code of 1954 antedates the election under section 290.972 of this chapter and at the close of the taxable year immediately preceding the effective election under section 290.972 the corporation has a reserve of undistributed taxable income previously taxed to shareholders under the provisions of the Internal Revenue Code of 1954, in the event and to the extent that such reserve is distributed to shareholders such distribution shall be taxed as a dividend for purposes of this act.

## TAX COURT

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The foregoing modification does not apply in the instant case because the election under Section 1372 of the Internal Revenue Code of 1954 does not antedate the election under Section 290.972 of Minnesota Statutes and the corporation did not have a reserve of undistributed taxable income previously taxed to shareholders.

This Court has repeatedly and consistently held that a taxpayer cannot have the Minnesota Tax Court review the basis for the adjustment of federal adjusted gross income. *Wahlberg v. Commissioner*, Tax Court Docket No. 1503. In that case the Internal Revenue Service assessed an additional federal income tax against the appellant for the year 1962 by adding \$1,875.99 to his adjusted gross income for federal tax purposes. The appellant consented to the addition and paid the additional federal income tax on that amount. The Commissioner of Taxation then added the same amount to appellants' Minnesota adjusted gross. In its memorandum this Court said:

... The fact that the appellant may have disagreed with the federal authorities at some stage, but consequently (sic.) for reasons of his own consented to the adjustment to federal income, is conclusive as to Minnesota income. There is no provision under our statutes which would allow this Court to review on a de novo proceedings the basis for objections the taxpayer may have had at one time to the federal adjustment to his income. Having consented to the increase of his federal adjusted gross income, he is bound by the language of the statute in this case and this Court has no authority to go beyond the legislative definition of Minnesota gross income. Any change would have to be made by the Legislature and not by this Court.

In *Moody, Moody, Arp, Arp, and Larson v. Commissioner*, Tax Court Dkt. Nos. 1521, 1522, 1765, 1523, 1763, 1524 and 1764, the taxpayers filed federal and state tax returns for the years 1962, 1963, 1964, 1965 and 1966, treating income from payments from the sale of a patent for the invention of a trading stamp dispensing machine as long term capital gains. The federal Internal Revenue Service audited the returns and claimed the payments should have been treated as ordinary income. A compromise settlement between taxpayers and the Internal Revenue Service was made in 1967, resulting in an agreement to treat said income as half ordinary income and half capital gains. The Commissioner, in 1968, issued orders assessing additional taxes due by treating the Minnesota income as half ordinary income and half capital gains. The taxpayers appealed, contending that the Internal Revenue Service audit was wrong and that the settlement was not a determination of facts, but a compromise of disputed facts that was made to avoid the risk of litigation.

This Court again affirmed the Commissioner's position to the effect that the taxpayers are bound by adjustments made by the Internal Revenue Service.

In the instant case the Commissioner appears to be taking a position which is inconsistent with his position in prior cases and prior decisions of this Court. The Commissioner seems to contend that he should not be bound by Minnesota Statutes § 290.01, Subd. 20, even though the taxpayer is to be bound by that provision. We cannot agree with that contention. If the taxpayer is bound by the federal determination of adjusted gross income, the Commissioner must also be bound by said determination.

John Knapp, Chief Judge



Ship in the Duluth Port—Linoleum by Tina Coronado of Central High School, Duluth, MN.

# SUPREME COURT

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## Decisions Filed Friday, June 6, 1980

### Compiled by John McCarthy, Clerk

**49988/424 Continental Can Company, Inc., et al, petitioners, vs. State of Minnesota, by William Wilson, Commissioner, and His Successor, Marilyn E. McClure, Commissioner, Department of Human Rights, Appellant. Dakota County.**

Substantial evidence supported the hearing examiner's findings of sexually derogatory statements, verbal sexual advances and sexually motivated physical contacts. This conduct amounted to sexual harassment. Substantial evidence supported the hearing examiner's findings of notice to the employer of this conduct on two occasions.

The prohibition against sex discrimination in Minn. Stat. § 363.03, subd. 1 (2) (c) (1978) includes sexual harassment directed at an employee by fellow employees which impacts on the conditions of employment when the employer knew or should have known of the conduct alleged to constitute sexual harassment and fails to take timely and appropriate action.

Verbal and physical sexual harassment includes sexually motivated physical contacts, sexually derogatory statements and verbal sexual advances.

By failing to take any action whatsoever in response to the charging party's complaints of sexual harassment in March 1975, the employer committed an unfair employment practice by discriminating against her in the conditions of employment on the basis of sex.

By failing to take immediate action after the charging party's complaint of sexual harassment in October 1975, the employer committed a second unfair employment practice by discriminating against her in the conditions of employment on the basis of sex.

A constructive discharge occurs when an employee resigns in order to escape intolerable working conditions caused by illegal discrimination.

The employer's unfair employment practices constructively discharged the charging party.

The issue of whether the hearing examiner's decision to reduce back pay damages was arbitrary and capricious was not properly raised. The aggrieved employee, rather than the Department of Human Rights, may raise this issue. Here, the employee did not exercise this right.

Reversed and remanded for entry of judgment consistent with this opinion. Kelly, J.

**50269/385 Metropolitan Waste Control Commission, Appellant, vs. City of Shakopee and County of Scott. Scott County.**

The subject matter of this suit is rendered moot by Laws of 1980, ch. 564 and, therefore, the judgment is vacated and the matter dismissed.

Vacated and dismissed. Per Curiam.

# OFFICIAL NOTICES

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Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject,

either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

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## Minnesota Energy Agency Conservation Division

### Notice of Intent to Solicit Outside Opinion Concerning Compliance and Enforcement Rules for Energy Efficiency Standards of Residential Rental Property

This notice is a clarification of and supercedes the notice published in 4 S.R., 1869-1870 (*State Register*, Monday, May 26, 1980, pages 1869-70) entitled "Notice of Intent to Solicit Outside Opinion Concerning Rules for Energy Efficiency Standards of Residential Rental Property."

The Minnesota Energy Agency, pursuant to Minn. Stat. § 116H.129, subs. 1 and 3 (Supp. 1979) has begun consideration of proposed rules relating to compliance and enforcement procedures for the residential rental building energy conservation standards promulgated by the Department of Administration, Building Code Division. Copies of the current and proposed standards, for which the procedures are being developed, are available from the Energy Agency upon request. Information or opinion relating to compliance and enforcement of these standards is requested from all interested individuals or groups. Persons affected by these procedures include: building owners/managers, landlords, tenants, landlord and tenant associations, and building energy analysis professionals.

**Notice:** Public comment on the residential rental building energy conservation standards themselves is not requested by the agency. Persons interested in commenting on the revision of these standards should refer to the Notice of Hearing published in Vol. 4 of the *State Register* on June 2, 1980, pages 1881-1891.

The purpose of these proposed rules is to establish procedures to insure a high level of compliance with the residential rental building energy conservation standards with a minimum amount of administrative and public expense. The agency is therefore proposing an enforcement program based on certification of compliance by the building owner or landlord in conjunction with random spot checks conducted by the agency.

Under this self-certification program, analysis of rental buildings to determine compliance with the standard will be the responsibility of the building owner or landlord. To provide assistance in conducting this analysis, the agency would prepare a workbook which landlords and/or building owners could use to analyze their own buildings to determine whether or not they are in compliance with the standard. In addition, the agency would develop training programs to explain the analysis procedures to landlords/building owners and energy analysis professionals. To facilitate compliance and inspection, a certificate of compliance would be required to be posted conspicuously in all residential rental buildings.

The agency requests comment on this self-certification procedure as a method of enforcement for the residential rental building energy conservation standards. All interested or affected persons may submit comments orally or in writing. Written comments are preferred. All statements of information and comment must be received by August 1, 1980. All written or oral comments should be addressed to:

Victor Spadaccini, Jr.  
State Energy Compliance Coordinator  
Minnesota Energy Agency  
980 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101

Written statements will be made a part of the public hearing record.

# STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any

consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

## Department of Administration Information Services Bureau Notice of Availability of Contract for a Survey, Analysis, and Recommendations for Physical Security, Data Security, and Disaster Recovery

The Information Services Bureau of the Department of Administration of the State of Minnesota is requesting a proposal from qualified firms to conduct an overall survey and risk analysis for the fifth floor of the Centennial Building, which is the site of the state's computer center. The contractor's final reports are to include analysis of current Information Services Bureau security and recovery procedures, recommendations on correcting security and contingency weaknesses, and cost estimates and schedule to implement contractor's recommendations. The total amount expended on this activity will not exceed \$40,000.00. The project is to be completed by October 30, 1980, or within three (3) months from the date of project authorization.

The full text of the request for proposal is available on request. Inquiries and responses should be directed to:

Richard A. Kelly  
Information Services Bureau  
5th Floor Centennial Building  
658 Cedar Street  
St. Paul, Minnesota 55155  
Telephone: (612) 296-6351

Responses must be received by 4:30 p.m., June 30, 1980.

## Department of Economic Development Tourism Bureau

### Notice of Request for Proposals for Package Tour Program

Proposals are being accepted from advertising agencies for the Tourism Bureau's Package Tour account.

The contractor selected to complete this project will be re-

sponsible for developing materials and marketing strategies to promote Minnesota as a package tour destination.

The contract amount shall not exceed \$62,000 for professional services and expenses. All work shall be completed by January 31, 1981.

Proposals must be submitted no later than 4:30 p.m., July 3, 1980. A complete request for proposal may be obtained by writing:

Hank Todd, Tourism Director  
Minn. Dept. of Economic Development  
480 Cedar Street  
St. Paul, MN 55101  
(612) 296-8391

Cathy Schendel  
Minn. Dept. of Economic Development  
480 Cedar Street  
St. Paul, MN 55101  
(612) 297-2525

## Department of Education Instruction Division

### Notice of Opening for Writer to Develop Energy Curriculum Materials

A curriculum writer is needed by the Department of Education by June 20, 1980 for the purpose of designing energy curriculum materials appropriate to grades 10-12 and covering the following areas:

- a. Child care/guidance and education occupations
- b. Fashion/apparel/textile occupations
- c. Food occupations
- d. Grooming services occupations
- e. Housing occupations
- f. Tourism occupations

The writer must have extensive experience in curriculum development at the secondary level. A background in energy is desirable. The writer will be responsible for working with teachers of service occupations programs, for field-testing materials and for rewriting them in final form. In addition, the writer is responsible for developing product format, including preliminary and final art work and providing the department with either camera-ready copy or complete mock-ups ready for the printer.

The estimated contract will be \$3,000. This price includes all of the above responsibilities. Interested persons are invited to contact the department by sending vitae and samples of their work to Ms. Janice Templin, R517, State Department of Education, Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101.

**Department of Education  
School Management  
Services Division**

**Notice of Request for Proposals to  
Implement Recommendations of  
a Consultant Evaluation of  
Administrative Management  
Information Systems for  
Elementary, Secondary,  
Vocational School Districts and  
the Department of Education**

The Department of Education is seeking individuals or organizations with planning, evaluation and data processing expertise to provide the Department of Education with manpower to implement recommendations for a statewide Administration Management Information System. These consultant services, which will be provided under contract, are outlined in detail in the Request for Proposals (RFP) Project Tasks.

The Department of Education will host a bidder's conference for all interested vendors to answer any of their specific questions on June 19, 1980, in Room 716, Capitol Square Building at 10:00 a.m. The formal RFP may be requested and inquiries should be directed to:

Donald R. Thomas  
State Department of Education  
Education Data Systems Section  
803 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

It is anticipated that the activities to accomplish this project will not exceed a total cost to the state of \$100,000. The deadline for the submission of completed proposals will be the close of the working day July 10, 1980.

**Department of Health  
Commissioner of Health**

**Notice of Request for Proposal for  
the Training of Water Supply  
Personnel**

The Minnesota Department of Health is seeking proposals from firms and individuals to conduct eight six-hour training sessions in various locations of the State of Minnesota. The subject covered will be fluoridation of public water supplies.

An amount not to exceed \$6,000 is available for this project. All proposals must be submitted no later than July 9, 1980. No proposals submitted after that date will be considered. Direct all inquiries and request for proposal to: Gunilla Montgomery, Training Coordinator, Section of Water Supply and General Engineering, Minnesota Department of Health, 717 S.E. Delaware, Minneapolis, Minnesota 55440, (612) 296-5517.

**Department of Natural  
Resources  
Division of Minerals**

**Notice of Request for Proposals for  
an Inventory of the Heavy Metals  
in Minnesota Peatlands.**

Notice is hereby given that the Department of Natural Resources intends to engage the services of a consultant to (1) collect a total of 315 peat samples from nine peatlands and analyze the samples for P, Ca, Na, Mg, K, B, Fe, Mn, Al, Cu, Zn, Pb, Ni, Cr, Cd, Hg, As, Se, using ICP AA, and AA-graphite furnace techniques and (2) determine whether regional patterns in heavy metals exist and whether a relationship exists between heavy metal content and peatland characteristics, such as peatland type, peat type, or others. The project is to be completed by October 30, 1981 and is estimated to cost \$75,000. Proposals must be submitted no later than July 7, 1980.

Direct inquiries to:

John C. Clausen  
Cloquet Forestry Center  
175 University Road  
Cloquet, Minnesota 55720  
(218) 879-4528

## **Department of Public Safety Office of Public Information**

### **Notice of Availability of a Graphic Arts Contract**

The Department of Public Safety is seeking proposals for a graphic arts contract not to exceed \$24,000. The term of the contract runs from July 21, 1980 through June 30, 1981. The contract is to include illustrations, typesetting, layouts and finished art for publications, displays and presentations; lettering for posters and consultative assistance in the area of graphics.

The contractor is to pickup and deliver assignments to meet departmental deadlines. Prospective bidders must be prepared to furnish samples of previous work (including an actual recently completed 2 or 3 fold brochure with its itemized invoice for art, typesetting, layout, etc.), to the Office of Public Information, Department of Public Safety. Contact: Larry A. Etkin, Information Officer, Department of Public Safety, 318 Transportation Building, St. Paul, MN 55155, 296-8238. A detailed Request for Proposals is available.

Final submission date for proposals is July 7, 1980.

## **State Planning Agency Developmental Disabilities Planning Office**

### **Notice of Request for Proposals for Demonstration of Model Projects of Respite Care Services**

The Developmental Disabilities Planning Office announces that it is seeking proposals from eligible public or private/non-profit organizations with the interest and capacity to undertake the following task:

To provide respite care services for persons having a developmental disability with the financial support of a grant from the Developmental Disabilities Office of the State Planning Agency.

Funding for these projects is for a maximum of \$200,000.00. Six to eight projects will receive grants of from \$25,000 to \$35,000 for one year of activity. Future funding is dependent upon how well project goals are met, and upon the availability of continuing federal support for developmental disability demonstration projects. Organizations receiving grants are to begin activity October 1, 1980.

The Request for Proposal guidelines to be used in the preparation of an application are available upon written request from the address listed below. Deadline for the receipt of applications is July 18, 1980 (whether post-marked or hand-carried). To obtain a Request for Proposal packet, please write to:

Respite Care RFP, Lew Miller  
Developmental Disabilities Planning Office  
State Planning Agency  
200 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

## **Transportation Department Wright County Public Works Department**

### **Notice of Availability of Contract for Wayside Design and Construction Engineering Services**

Wright County in cooperation with the Office of State Aid, Minnesota Department of Transportation requires the services of a qualified consultant for design and construction of a wayside recreation area at Otsego County Park, Wright County, Minnesota.

Services will include preparation of the Project Development Report and Location and Design Study Report, design of a sanitary facility, landscaping, grading and roadwork, to include a 30 car parking lot, entrance road and upgrading of a 1/2 mile segment of township road, picnic shelters, fencing and multi-mode trail. Contract will also cover construction engineering for the project.

The estimated costs for these services is in the range of \$40,000 to \$50,000.

Firms interested in this project may obtain sketch plans of the park concept by writing to the address listed below. All technical proposals will be submitted on the firm's own letterhead and must include completed federal forms SF 254 and SF 255.

All technical proposals must be submitted by noon 1 July 1980 and inquiries of interest should be directed to:

Michael P. Schmidt  
Wright County Parks Administrator  
Wright County Public Works Building  
Rural Route 1, Box 97-B  
Buffalo, Minnesota 55313  
Telephone (612) 682-3900 Ext. 182

**Transportation Department  
Washington County and  
Dakota County Highway  
Departments**

**Notice of Availability of Contract for  
Bridge Replacement Preliminary  
Engineering and Environmental  
Studies**

The Washington County Highway Department and the Dakota County Highway Department in cooperation with the Office of State Aid, Minnesota Department of Transportation, requires the services of a qualified consultant to provide preliminary engineering and environmental study for replacement of Bridge 5600, Washington C.S.A.H. 38 and Dakota C.S.A.H. 24 over the Mississippi River.

The services shall consist of providing Design Study Report, Location Study, Preliminary Location Study Report, Draft EIS, Final EIS, Location Study Report, Design Study, Preliminary Design Report, Design Study Report, and Preliminary Plans.

Firms desiring consideration should submit their brochure and/or experience resume such as the federal forms 254 and 255 within 21 days. This is not a request for proposal.

Please send your response to:

Charles J. Swanson  
County Engineer  
11660 Myron Road North  
Stillwater, Minnesota 55082  
Telephone (612) 439-6058

**Department of Public  
Welfare  
Moose Lake State Hospital**

**Notice of Request for Proposals for  
Services to be Performed on a  
Contractual Basis**

Notice is hereby given that the Moose Lake State Hospital, Department of Public Welfare, is seeking the following services for the period August 1, 1980 through June 30, 1981. These services are to be performed as requested by the Administration of the Moose Lake State Hospital.

1) Services of a radiologist to interpret and dictate X-Ray films taken by the hospital's X-Ray technician. The estimated amount of the contract will be \$18,000.00.

2) Services of two (2) psychiatrists to perform consultation services in psychiatry one day each week, each person, at the Moose Lake State Hospital. Other consultations will occur via phone or mail as needed and as deemed appropriate. The estimated amount of these contracts is \$35,200.00.

3) Services of a pathologist to perform consultation services in pathology and to perform autopsies as requested by the Chief Executive Officer. Consultation will be performed at the Moose Lake State Hospital. The estimated amount of the contract will be \$4,200.00.

4) Services of a specialist in physical & internal medicine to perform consultation services at the Moose Lake State Hospital. The estimated amount of the contract is \$18,200.00.

Responses for the above services must be received by July 7, 1980. Direct Inquiries to:

Frank R. Milczark  
Chief Executive Officer  
Moose Lake State Hospital  
1000 Lakeshore Drive  
Moose Lake, MN 55767  
(218) 485-4411, Ext. 242

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER

Suite 415, Hamm Building  
408 St. Peter Street  
St. Paul, Minnesota 55102  
(612) 296-8239

## ORDER FORM

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

**Perspectives**—Publication about the Senate. Contact Senate Information Office.

**Weekly Wrap-Up**—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

**This Week**—weekly interim bulletin of the House. Contact House Information Office.

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